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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,639	02/18/2004	Hiroyuki Kanemitsu	10517/219	9083
23838	7590	09/20/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			PHAM, LAM P	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,639	<b>Applicant(s)</b> KANEMITSU, HIROYUKI	
	<b>Examiner</b> Lam P. Pham	<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-11 rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US 6662108).

**Regards claim 1**, Miller disclose a communication system for communicating between moving objects, comprising:

a transmitting portion (26, 28) provided in at least one of first moving object (vehicle 11), which transmits moving object information that includes accuracy level information (vehicle speed, road surface condition, vehicle position) regarding an apparatus (vehicle engine, road surface detectors, GPS receiver) provided in the first moving object to a second moving object (72) using communication between moving objects;

a receiving portion (24, 22 or 27) provided in the second moving object, which receives the transmitted moving object information; and

a determining portion (controller 12) provided in the second moving object, which determines a peripheral state (collision threat) around the second moving object

Art Unit: 2636

based on the received moving object information as seen in Figures 1-4; col. 2, lines 33-67; col. 3, lines 1-67, col. 4, lines 1-67; col. 5, lines 1-67; col. 6, lines 1-62.

**Regards claim 2**, Miller disclose the accuracy level information includes information (vehicle position) indicating whether a specified apparatus (GPS receiver 18) is provided in the first moving object as seen in Figure 3; col. 3, lines 47-67.

**Regards claim 3**, Miller disclose the accuracy level information includes information (position) relating to the accuracy of information regarding the specified apparatus (GPS receiver) as seen in col. 5, lines 24-44.

**Regards claim 6**, Miller disclose a driving support apparatus for a vehicle, comprising:

a transmitting portion (26, 28) which transmits moving object information of the vehicle using communication between moving objects; and

an information control portion (controller 12) which includes accuracy level information (vehicle speed, road surface condition, vehicle position) regarding an apparatus (vehicle engine, road surface detectors, GPS receiver) provided in the vehicle in the moving object information to be transmitted as seen in Figures 1-4; col. 2, lines 33-67; col. 3, lines 1-67, col. 4, lines 1-67; col. 5, lines 1-67; col. 6, lines 1-62.

**Regards claim 7**, Miller disclose the accuracy level information includes information (longitude and latitude or position) indicating whether a specified

Art Unit: 2636

apparatus (GPS receiver 18) is provided in the vehicle as seen in Figure 3; col. 3, lines 47-67.

**Regards claim 8**, Miller disclose the accuracy level information includes information (longitude and latitude or position) relating to the accuracy of information regarding the specified apparatus as seen in col. 5, lines 24-44.

**Regards claim 9**, Miller disclose a driving support apparatus for a vehicle, comprising:

a receiving portion (22, 24 or 27) which receives moving object information transmitted from at least one moving object that is different from the vehicle via communication between moving objects, the moving object information including accuracy level information (vehicle speed, road surface condition, vehicle position) regarding an apparatus (vehicle engine, road surface detectors, GPS receiver) provided in the at least one moving object; and a determining portion which determines a peripheral state around the vehicle using the received moving object information as seen in Figures 1-4; col. 2, lines 33-67; col. 3, lines 1-67, col. 4, lines 1-67; col. 5, lines 1-67; col. 6, lines 1-62.

**Regards claim 10**, Miller disclose the accuracy level information includes information (longitude and latitude or position) indicating whether a specified apparatus (GPS receiver 18) is provided in the at least one moving object as seen in Figure 3; col. 3, lines 47-67.

Art Unit: 2636

**Regards claim 11**, Miller disclose the accuracy level information includes information (vehicle position) relating to the accuracy of information regarding the specified apparatus (GPS receiver 18) as seen in col. 5, lines 24-44.

***Allowable Subject Matter***

3. Claims 4-5, 12-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang (US 6362748) disclose a system for communication among vehicles.

Beymer (US 5424726) disclose an apparatus and system for transmitting and receiving data in a moving linear chain.

Atsumi (US 5153559) disclose an equipment for detecting the movement of a preceding vehicle and giving warning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

Art Unit: 2636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
September 13, 2005.



JEFFERY HOFSSASS  
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